

ARTICLE XIII

GENERAL PROVISIONS

Section 1301. Oath of Office

- (a) Before entering upon the duties of their office, the Mayor, the Council Members, the Clerk-Treasurer, the members of the Board of Supervisors of Election, and all other persons elected or appointed to any office of profit or trust in the Town government shall take and subscribe to the following oath or affirmation: “I do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, support the Constitution and Laws of Maryland; and uphold the Laws of Montgomery County, Maryland and the Charter and Code of the Town of Kensington; and that I will, to the best of my skill and judgement, diligently and faithfully, without partiality or prejudice, execute the office of, according to the Constitution and Laws of this State.”
- (b) The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Montgomery County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the Mayor.

Section 1302. Official Surety Bonds

The Clerk-Treasurer and such other officers or employees of the Town as the Council or this Charter may require, shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the Town.

Section 1303. Prior Rights and Obligations

All right, title, and interest held by the town or any other persons or corporation at the time this Charter is adopted, in and to any lien acquired under any prior Charter of the Town, are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time this charter becomes effective. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offences already committed against any law or ordinance repealed by this charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this charter had not become effective.

Section 1304. Violations of Law

- (a) Misdemeanors. Every act or omission which, by ordinance, is made a misdemeanor under the authority of this Charter, unless otherwise provided shall be punishable upon conviction before the District Court of Maryland or in the Circuit Court for Montgomery County by a fine not exceeding one thousand dollars (\$1000.00) or imprisonment for six (6) months in the county jail, or both, at the discretion of the court. The party aggrieved shall have the right to appeal as is now provided under the general laws of the State. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.
- (b) Municipal Infractions. The Council may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance. For purposes of this section a municipal infraction is a civil offense. A fine not to exceed five hundred dollars (\$500.00) may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the Town within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed one thousand (\$1000.00) for each repeat offense, and each day a violation continues shall constitute a separate offense. Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the Town in writing of this intention at least five (5) days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in an additional fine or adjudication by the court. Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

Section 1305. Effect of Charter on Existing Ordinances

- (a) All ordinances, resolutions, rules, and regulations in effect in the Town at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed according to the provisions of this Charter.
- (b) All ordinances, resolutions, rules, and regulations in effect in the Town at the time this Charter becomes effective which are in conflict with the provisions of this Charter be and the same hereby are repealed to the extent of such conflict.

Section 1306. Separability

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 1307. Proposed Charter Amendments

Hereafter every proposal to amend this Charter shall be the subject to a public hearing by the Council. Notice of the hearing and a summary of the substance of the proposed amendment shall be published in one or more newspapers of general circulation in the Town at least once, not less than fifteen (15) days prior to the hearing.